

**BOARD OF APPEALS CASE NO. 5268**

\*

**BEFORE THE**

**APPLICANT: Wayne & Robin Stokes-Smith**

\*

**ZONING HEARING EXAMINER**

**REQUEST: Variance to permit a porch within the  
required front yard setback; 857 Flintlock Drive,  
Bel Air**

\*

**OF HARFORD COUNTY**

\*

**Hearing Advertised**

\*

**Aegis: 7/24/02 & 7/31/02**

**HEARING DATE: August 26, 2002**

\*

**Record: 7/26/02 & 8/2/02**

\* \* \* \* \*

## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Wayne B. Smith and Robin Stokes-Smith, his wife, are requesting a variance, pursuant to Sections 267-36B, Table V, and 267-23C(1)(a)(2) of the Harford County Code, to allow a porch within the required 32 foot front yard setback (28 feet proposed) in an R2/Residential District.

The subject property is located at 857 Flintlock Drive, Bel Air, MD 21015 and is more particularly identified on Tax Map 50, Grid 1A, Parcel 331. The subject parcel consists of 17,475 square feet, is within the Greenridge II subdivision, is zoned R2 and is entirely within the Third Election District.

Mr. Wayne Smith appeared and testified that he proposes to add a concrete slab measuring 8 feet by 21 feet covered by roof to the front of his house. The porch will protect the basement from water infiltration, provide shade to the front rooms of the house, provide additional outdoor living space and enhance the beauty and value of his house. The witness indicated that a number of houses in his neighborhood have similar porches to the one he proposes to erect. The witness admitted that he could build a porch 4 feet narrower without requiring a variance but it would be very unattractive and would not be usable for chairs or other living uses. The Applicant did not believe any adverse impacts would result to his neighbors as a result of construction of the porch.

## **Case No. 5268 – Wayne & Robin Smith**

Mr. Dennis Sigler appeared as representative of the Department of Planning and Zoning. The Department found that this particular property was topographically unique because the home was set on the property closer to the front property line than other homes in the neighborhood, decreasing available building area on the front of the house. The proposed porch, according to the Department is compatible with other structures in the neighborhood and will not result in adverse impacts. Lastly, Mr. Sigler stated that approval of the variance would be consistent with good zoning and planning principles. Mr. Sigler indicated further that the homes in this subdivision were built with very small overhangs on the front, which offer little protection from sun and weather. There have been a number of instances of basement leakage in this area.

There were no protestants that appeared in opposition to the request.

### **CONCLUSION:**

The Applicants are requesting a variance pursuant to Section 267-36B, Table V and 267-23C(1)(a)(2) of the Harford County Code, to allow a porch within the required 32-foot front yard setback (28 feet proposed) in a R2/Residential District.

Harford County Code Section 267-23C(1)(a)(2) provides:

“Exceptions and modifications to minimum yard requirements.

(1) Encroachment.

(a) The following structures shall be allowed to encroach into the minimum yard requirements, not to exceed the following dimensions:

[2] Bay windows, balconies, chimneys or porches: three (3) feet.

## **Case No. 5268 – Wayne & Robin Smith**

**Harford County Code Section 267-11 permits variances and provides:**

**"Variances from the provisions or requirements of this Code may be granted if the Board finds that:**

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.**
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."**

**The Hearing Examiner finds that the parcel is unique for the reasons stated by the Applicant and the Department of Planning and Zoning. The addition of a porch to the existing home will not result in adverse impacts nor will the purposes of the Harford County Zoning Code be impaired.**

**The Hearing Examiner recommends approval of the request subject to the condition that the Applicants obtain any and all necessary permits and inspections.**

**Date: SEPTEMBER 24, 2002**

**William F. Casey  
Zoning Hearing Examiner**